

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:18-CV-108-D

GUY FERRANTE, and
DEBORAH FERRANTE,

Plaintiffs,

v.

WESTIN ST. JOHN HOTEL CO.,
et al.,

Defendants.

ORDER


On January 29, 2020, the court granted defendants' motions for summary judgment, denied plaintiffs' cross-motion for summary judgment, and entered judgment [D.E. 90, 91]. On February 28, 2020, plaintiffs filed a notice of appeal [D.E. 92]. On March 3, 2020, plaintiffs moved for a new trial [D.E. 94]. On March 20, 2020, defendants responded in opposition [D.E. 96].

This court retains jurisdiction to deny plaintiffs' motion. See, e.g., Fed. R. Civ. P. 62.1(a)(2); Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (per curiam); Stevenson v. Shoup, 390 F. App'x 286, 287 (4th Cir. 2010) (per curiam) (unpublished); In re Grand Jury Proceedings Under Seal, 947 F.2d 1188, 1190–91 (4th Cir. 1991); Pitrolo v. Cty. of Buncombe, No. 1:06cv199, 2013 WL 588753, at *6 (W.D.N.C. Feb. 13, 2013) (unpublished). As explained in defendants' memorandum in opposition, plaintiffs are not entitled to relief under Federal Rules of Civil Procedure 52, 56, 59, or 60. See [D.E. 96]. Moreover, plaintiffs' motion is untimely under Rule 52(b) and 59(e). "A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." Fed. R. Civ. P. 59(e); see Fed. R. Civ. P. 52(b) (containing same 28-day deadline); Aikens v. Ingram, 652 F.3d 496, 501 (4th Cir. 2011) (en banc). The court entered

judgment on January 29, 2020 [D.E. 91]. Thus, February 26, 2020, was plaintiff's deadline to file a motion under Rule 52(b) or 59(e). See, e.g., Fed. R. Civ. P. 6(a) (explaining computation of time); Bolden v. McCabe, Weisberg & Conway, LLC, No. DKC 13-1265, 2014 WL 994066, at *1 n.1 (D. Md. Mar. 13, 2014) (unpublished). Plaintiffs did not file their motion for a new trial until March 3, 2020, and the court cannot extend the time for filing a Rule 52(b) or 59(e) motion. See Fed. R. Civ. P. 6(b)(2); Panhorst v. United States, 241 F.3d 367, 370 (4th Cir. 2001). Accordingly, the motion is untimely under Rule 52(b) and Rule 59(e).

In sum, the court DENIES plaintiffs' motion for a new trial [D.E. 94].

SO ORDERED. This 15 day of April 2020.



JAMES C. DEVER III
United States District Judge